

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1702  
Wednesday, June 22, 1988, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes	Harris	Frank	Linker, Legal
Coutant, Secretary	Paddock	Gardner	Counsel
Doherty	Parmeale	Lasker	
Draughon	Randle	Matthews	
Kempe, Chairman		Setters	
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 21, 1988 at 11:35 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:36 p.m.

**MINUTES:**

**Approval of the Minutes of June 8, 1988, Meeting #1700:**

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Paddock, Parmeale, Randle, "absent") to **APPROVE** the **Minutes of June 8, 1988, Meeting #1700.**

**REPORTS:**

**Director's Report:**

Ms. Dane Matthews distributed the updated volumes of the Comprehensive Plan Text, and commented there were a few districts still being revised which would be distributed as they become available.

Chairman Kempe opened discussions as to the request from Jeff Kirkham regarding land use and zoning along North Peoria Avenue from East 66th to 76th Streets North, and Staff's related research. In reply to Mr. Carnes, Mr. Gardner stated that Staff gathered the information, and it was the County Inspector's responsibility to make the determination as to any violations. After further discussion, and hearing no objection from the TMAPC, Chairman Kempe stated she would work with Staff on drafting a letter to the County Commission requesting a report or response from them on the status of the alleged violations as referenced in Mr. Kirkham's correspondence.

CONTINUANCE(S):

Application No.: Z-6201 & PUD 438 Jones Present Zoning: OL  
Applicant: Jones Proposed Zoning: CS  
Location: SW/c of East 49th Street & South Lewis Avenue  
Date of Hearing: June 22, 1988 (Timely Request to Continue)  
Presentation to TMAPC by: Mr. Ralph Jones, 3227 East 31st Street (743-2586)

Comments & Discussion:

**Mr. Roy Johnsen** (324 Main Mall) requested a continuance on behalf of Princeton Investment Company and 21st Investment Company. He advised these two organizations owned property in the vicinity of the subject tract. Mr. Johnsen commented that he was not appearing as a protestant, only as an interested party. He stated that he has met briefly with the applicant, and hopes a continuance will allow time for further meetings as he was just recently hired by the investment companies.

**Mr. Richard Studenny** (2446 East 49th Street) advised he was a homeowner in Mannburn Place Addition and was representing a number of other homeowners in this neighborhood. Mr. Studenny also requested a continuance and stated he would be appearing as a protestant. He commented that most of the homeowners were aware of the PUD, but were not aware of the rezoning request for CS.

**Mr. Ralph Jones**, applicant, briefed the Commission as to the time already involved in this application. He stated he would not strongly object to a two week continuance; however, he requested that the case be heard at that time. Mr. Jones commented that the public notice signs had been properly posted, and letters had been mailed in accordance with notice provisions. Mr. Jones acknowledged the request to continue had been filed in a timely manner, but reiterated the need for the applications to be heard at that time.

Ms. Wilson made the motion for a continuance to July 6th. Mr. Carnes suggested the Commission might stipulate that another continuance would not be granted at that hearing. Ms. Wilson commented that there could be some unforeseen factors that might warrant another continuance, but the Commission has, in the past, tried to hear cases in a timely manner. Chairman Kempe noted there were other interested parties; therefore, Ms. Wilson withdrew her motion.

**Mr. Robert E. Thomas** (4808 South Yorktown Court) stated he was an interested homeowner, but would not be able to attend the meeting on July 6th; therefore, he requested a chance to be heard at this time. Chairman Kempe stated that the Commission was not considering the case as yet, as they must first decide the issue of the continuance request. Mr. Thomas requested the case be heard this date.

**Mr. Robert Sellers** (2143 East 48th Place) advised that he, too, would not be able to attend the hearing on July 6th should the continuance be granted. Therefore, he would like some assurance that his views would be heard and taken into consideration.

In reply to Chairman Kempe, Mr. Studenny advised he was representing some of the homeowners, not the entire homeowners association. He reiterated that a number of the homeowners were not aware of the CS zoning request, as the original application was just for the PUD. Mr. Doherty inquired if he had been in touch with the District 6 Chairman. Mr. Studenny confirmed that the District 6 Chairman was out of town, but it was his understanding through conversations with some of the property owners that the Chairman was in opposition to the request as it was not in conformance with the District 6 Plan. He confirmed that the District Chairman would not be back for several days; therefore, he requested the continuance be granted.

**TMAPC ACTION: 7 members present**

On MOTION of WILSON, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Draughon, Kempe, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Paddock, Parmele, Randle, "absent") to CONTINUE Consideration of Z-6201 and PUD 438 Jones until Wednesday, July 6, 1988 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Mr. Sellers stated the continuance would be acceptable to him and he would submit a letter to the TMAPC expressing his views. Mr. Thomas remarked the continuance was not acceptable to him, but he would also be submitting a letter to the Commission for their consideration.

**PUBLIC HEARING:**

TO CONSIDER AMENDMENTS TO TITLE 42, TULSA REVISED ORDINANCES (CITY OF TULSA ZONING CODE) AND THE TULSA COUNTY ZONING CODE, MORE SPECIFICALLY PERTAINING TO THE REGULATION OF SEXUALLY-ORIENTED BUSINESSES.

**Comments & Discussion:**

Mr. Gardner advised that, due to the City Commission's request for additional study regarding sexually-oriented businesses, this item should be stricken from the agenda. Upon completion of the study, this matter would be readvertised later if any other items were to be heard. Hearing no objection for the TMAPC, Chairman Kempe advised this item was to be stricken.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Woodbine II (PUD 364)(1984) East 98th & South 99th East Avenue (RS-3)

Amberjack (Z-6010-SP-3)(2994) NW/c of South 51st & So. 129th E. Ave. (CO, CS)

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Paddock, Parmele, Randle, "absent") to **APPROVE** the Final Plat of **Woodbine II** and **Amberjack**, and release same as having met all conditions of approval.

ZONING PUBLIC HEARING:

Application No.: **CZ-169** Present Zoning: AG  
Applicant: **Cox** Proposed Zoning: IM  
Location: N & W of the NW/c of North Mingo Road & East 56th Street North  
Size of Tract: 185 acres, approximate  
Date of Hearing: June 22, 1988  
Presentation to TMAPC by: Mr. B. Kenneth Cox, 4100 BOK Tower (588-4068)

Relationship to the Comprehensive Plan:

The District 15 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property High Intensity - No Specific Land Use, Special District - 3 and Development Sensitive (open space/floodplain conservation).

According to the Zoning Matrix, the requested IM District **may be found** in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 185 acres in size and is located north and west of the northwest corner of North Mingo Road and East 56th Street North. It is partially wooded, gently sloping, contains a farm house and detached accessory buildings, and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north and west by vacant property zoned AG; on the east across North Mingo Road by both vacant property zoned AG, and industrial uses zoned IM; and on the south by a mixture of vacant, residential and industrial uses zoned RS-3, IM and AG.

**Zoning and BOA Historical Summary:** Similar IM (U-4B) zoning was approved for much of the area in 1958.

Conclusion: Based on the Comprehensive Plan and existing zoning and development patterns in the area, Staff can support the requested IM rezoning. Staff notes, for the record, that some development constraints exist based on the tract's location adjacent to Bird Creek. A sketch plat is in the process of being reviewed by the TAC and a floodplain (drainage) easement is needed on the face of the plat.

Therefore, Staff recommends APPROVAL of IM zoning for CZ-169 as requested.

Comments & Discussion:

Mr. Kenneth Cox, representing Scott Industries, stated agreement with the Staff recommendation. He submitted and reviewed information on Scott Industries who will be building a facility on this site.

Mr. William Evans (4103 South Lewis) advised he was owner of the property west of the subject tract. He commented he felt the applicant's proposal was an ideal plan for this particular area. Mr. Evans stated some concern that his property might be blocked off, but added that this could be addressed in the future.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Paddock, Parmele, Randle, "absent") to **APPROVE CZ-169 Cox for IM Zoning**, as recommended by Staff.

Legal Description:

A tract of land that is part of Section 1, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the US Government Survey thereof, said tract of land being described as follows, to-wit: That part of the E/2 of the NE/4 of the NE/4 of the SW/4 of Section 1, T-20-N, R-13-E lying East of the centerline of Bird Creek; the NW/4 of the NW/4 of the SE/4 of said Section 1, T-20-N, R-13-E; that part of the SW/4 of the NW/4 of the SE/4 of said Section 1, T-20-N, R-13-E lying east of the centerline of Bird Creek; that part of the E/2 of the SW/4 of the SE/4 of Section 1, T-20-N, R-13-E lying east of the centerline of Bird Creek; that part of the NE/4 of the NE/4 (also known as Lot 1) lying south and east of Bird Creek; the SE/4 of the NE/4; the E/2 of the SE/4, less the E/2 of the SE/4 of the SE/4 of the SE/4; and the E/2 of the NW/4 of the SE/4, all in Section 1, T-20-N, R-13-E; LESS & EXCEPT:

A part of the NE/4 of Section 1, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the US Gov't Survey thereof, said tract of land being described as follows, to-wit: Beginning at a point on the east line of said Section 1, 1,911.60' south of the NE corner thereof; thence S 88°42'50" W a distance of 70.0' to a point; thence N 01°17'10" W and parallel to the east line, a distance of 400.0' to a point; thence N 07°52'05" E a distance of 282.86' to a point; thence N 01°17'10" W and parallel to the east line of said Section 1 a distance of 243.24' to a point; thence N 25°45'29" E a distance of 54.98' to a point on the east line; thence S 01°17'10" E along the east line, a distance of 971.47' to the POB; AND, LESS & EXCEPT

(Legal continued on page 6)

(Legal continued from page 5)

A tract of land, containing, 0.5270 acres, that is part of the E/2 of the E/2 of Section 1, T-20-N, R-13-E, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Starting at the northeast corner of the E/2 of the SE/4 of the SE/4 of the SE/4 of said Section 1; thence S 88°50'54" W along the northerly line for 16.50' to the POB of said tract; thence continuing S 88°50'54" W along the northerly line for 8.50'; thence N 01°17'52" W and parallel to the easterly line for 1,983.40' to a point on the northerly line of the SE/4 of Section 1; thence N 01°17'10" W and parallel to the easterly line of the NE/4 of Section 1 for 717.91'; thence N 88°42'50" E for 8.50'; thence S 01°17'10" E and parallel to the easterly line for 717.92' to a point on the southerly line; thence S 01°17'52" E and parallel to the easterly line for 1,983.41' to the POB; AND, LESS & EXCEPT

A tract of land, containing 0.1024 acres, that is part of the NE/4 of the NE/4 of Section 1, T-20-N, R-13-E, Tulsa County, Oklahoma, said tract being described as follows, to-wit: Starting at the NE corner of the NE/4 of the NE/4 of Section 1; thence S 01°17'10" E along the northerly line for 940.13'; thence S 25°45'29" W for 36.29' to the POB of said tract; thence continuing S 25°45'29" W for 18.69'; thence N 01°17'10" W parallel to and 25.0' westerly of the easterly line for 534.28' to a point on the centerline of Bird Creek; thence S 77°37'45" E along said centerline for 8.65'; thence S 01°17'10" E parallel to and 16.50' westerly of the easterly line for 516.00' to the POB.

OTHER BUSINESS:

**PUD 267-4 (Tweet): Minor Amendment for Sign**

South & East of the SE/c of East 101st & South Sheridan

Staff Recommendation:

PUD 267 has underlying zoning of CS and RM-1 and is located south and east of the southeast corner of East 101st Street and South Sheridan Road. It has an area of 10 acres and has been approved for various uses as permitted by right in a CS District excluding multifamily dwellings, bars, taverns and private clubs. Strict architectural and design standards were conditions of approval to assure compatibility of the development with existing and planned residential uses which now abut this site. The original sign standards for PUD 267 limited ground signs to a 16' maximum height, two per each arterial street, and a maximum display surface area of 180 square feet each. Actual signage constructed for the shopping center has been limited to one sign per arterial street, plus a sign for the Texaco gasoline and convenience store at the intersection.

PUD 267-4 Minor Amendment - Cont'd

PUD 267-3 was heard by the TMAPC on May 18, 1988 and the applicant's request was approved for a time and temperature sign and the message center/flashing or animated feature was denied. On June 8, 1985 the applicant presented a revised plan to the TMAPC with a request for reconsideration which was granted. The nature of the TMAPC action on May 18, 1988 would have made the required approval of a variance by the Board of Adjustment moot.

Sign standards for PUD 267-4 have been revised to be as follows and are further described in the applicant's attached letter dated June 3, 1988:

1. The display will not operate in a "travel" mode. This occurs when a word message travels across the screen in a continual left to right fashion.
2. The incandescent bulbs shall not illuminate greater than 25 watts and will be recessed inside an aluminum cone housing so that visibility is only within a 120° angle. The display is engineered for maximum legibility and readability, having a constant light level control and glare reducing sunscreen.
3. The alternating display sequence shall be subject to one full second or longer between message changes.
4. Notice of the application has already been given to abutting property owners. If the commission believes that a 300' radius report is warranted, then the applicant shall provide one.
5. If the Commission does not feel the application is suited for a minor amendment, then the applicant is open to suggestions from the Commission that might be more appropriate.

Notice of this hearing has been given to all abutting owners and to the Galleria Apartments located north across East 101st Street.

Reduced illumination of the sign and modification of the display sequences (deleting the "traveling mode" for messages) introduces design controls which will significantly increase the compatibility of the proposed sign with the purposes and intent of the PUD Chapter of the Zoning Code and the Galleria Apartments located north across East 101st Street. The physical facts of the sign which was approved by the TMAPC and BOA for PUD 429 (northwest corner of East 71st Street and South Canton) indicate a similar sign (message center only) was approved on East 71st Street across from a duplex development.

Therefore, Staff recommends APPROVAL of PUD 267-4 as follows: subject to the sign standards as noted above; sign design and construction shall be in accordance with submitted plans as revised; and that TMAPC approval is conditional upon approval by the BOA of a variance as determined by the Zoning Officer for the sign features other than time and temperature.

Applicant's Comments:

Mr. Al Tweet, representing Village South National Bank, remarked that the Commission's main concern at the last presentation of this application was traffic and safety hazards. He pointed out that the traveling mode feature has been eliminated from the display. Mr. Tweet answered questions from various Commissioners regarding the technical and operational aspects of the sign.

Mr. Carnes stated he could not vote in favor of the amendment as the signage issue was decided at the time of the original PUD, and he felt that if he approved this application, then the Commission would be flooded with similar requests. Mr. Tweet commented that the expense involved on this type of signage would prevent setting a precedent. He added that there was already an approved PUD where the flashing type of signage was approved (PUD 429 - QT Corporation). Therefore, he could not understand why this sign would be prohibited. Further, he felt the determination as to the similarity of that sign to time/temperature had already been made.

Mr. Doherty commented that at the time this PUD was granted, like other PUD's, it had some trading involved, i.e. the applicant agreed to certain conditions in return for allowances not permitted under straight zoning. He pointed out that the limitation to no flashing signs was placed in the PUD as part of a total package, and he did not feel that a part of the package should now be set aside. Mr. Tweet stated that he did not see it this way, in that he felt this amendment request offered the same operation as a time/temperature sign, except it would also display a word sequence. Mr. Doherty and Mr. Tweet further discussed their views on this issue.

In response to Chairman Kempe, Staff reviewed the wording of the original PUD as to the number of signs and square footage allowed. Mr. Tweet reviewed the wording of the Ordinance. Chairman Kempe commented that this minor amendment came to the TMAPC at an awkward time, as the Commission was in the process of reviewing the total Sign Code.

Mr. Draughon inquired if there was anything in the Ordinance that would prevent any signage sending messages other than time/temperature. Mr. Frank confirmed that the Ordinance permitted time/temperature, but "message center" signs were under the controls of the PUD. In reply to Mr. Draughon, Mr. Gardner clarified the role of both the BOA and the TMAPC on the approval of signage in regard to the Ordinance and PUD's. Chairman Kempe inquired if this case would still have to go the BOA, should the TMAPC determine the sign would remain time/temperature only. Staff commented that it would not, as this was the action taken at the previous TMAPC hearing.



Mr. Frank stated that there was a feature of the proposed sign that would allow it to be smaller than a reader board, and that was the changeable message feature. In other words, to present that kind of a message would require 7 - 10 lines and which would mean a reader board two to three times larger than the message portion of the sign proposed, and he felt this would not be nearly as attractive. Mr. Frank stated the applicant could have time/temperature at the top of the sign with the reader boards at the bottom. However, this again would not be as attractive. He pointed out that the PUD currently allows two signs on each frontage, but the shopping center has backed off of this approach, and no reader boards were on the tract.

Mr. Linker commented that Staff was indicating the TMAPC should consider approval, and a similar sign had already been approved. He further pointed out that there were time/temperature signs all over the City that can flash from time to temperature and accomplish exactly the same thing as the proposed sign. Mr. Linker stated that he felt, from a legal point of view, the Commission should consider approving the request.

Mr. Doherty and Mr. Tweet discussed the possibility of proposing an equal time span for the "message" and the time/temperature display on the sign. In response to Mr. Linker's previous comments, Mr. Carnes remarked that it was his understanding that the TMAPC would be acting legally regardless of which decision they made as to time/temperature only or allowing the message. Mr. Linker commented the legality involved whether or not the Commission was accomplishing something as to health, safety and welfare. He asked Mr. Carnes what his real reason might be for the requirement for time/temperature only. Mr. Carnes stated he did not feel right about deciding on a PUD then coming back at a later time and ignore what had been approved.

TMAPC Review Session:

In response to Mr. Coutant's concern as to a possible safety hazard with message sign, Mr. Linker stated this consideration did not apply except in PUD's. Therefore, he asked if the Commission's intent was to apply the safety standard only to PUD's, i.e. was it any different to have a flashing time/temperature sign than have a flashing message sign the same size. The Commission and Legal Counsel discussed this issue.

Ms. Wilson asked Staff if this particular sign substituted for the other signage in the PUD. Mr. Frank advised one additional ground sign would still be permitted. Mr. Gardner commented that the TMAPC authority under the PUD was not an issue; however, Legal Counsel's concern was with being able to defend the Commission's decision. Therefore, if the issue was purely aesthetics, and PUD's did get into aesthetics, then Legal Counsel would at least know what direction the Commission was taking.

In reply to Mr. Coutant, Staff reviewed their recommendation in the previous hearing on May 18th, which also indicated support but with a condition requiring BOA approval for a variance. Mr. Doherty inquired if the bank was the owner of this PUD, or if they were merely a tenant. Staff commented they thought the bank was just a tenant in the shopping center. Mr. Doherty commented he was hesitant to place any further limitations which might affect other tenants. He added that, in this case, the Commission was only being asked to "give" and that they did not have any other trades or balances to compliment what the TMAPC originally balanced with this PUD. Staff clarified for Mr. Coutant the sign approved at 71st Street and Canton for QT Corporation, and advised there were more going up around Tulsa, and these did require BOA review and approval.

Mr. Doherty asked Staff if this sign had come strictly as a message sign without time/temperature, would that have changed their recommendation; Mr. Gardner stated that it would not. Mr. Gardner commented that one of the problems with these cases was that the City had an Ordinance that really did not clearly speak to this issue.

Ms. Wilson inquired of Legal Counsel if the TMAPC could consider placing a condition in the PUD whereby the owners might relinquish the remaining signage in the PUD in order to accommodate this request. Mr. Linker stated there may be a problem with taking away signage from the shopping center owner for a single tenant without the owners being present. Mr. Linker confirmed for Mr. Coutant that the action of May 18th would stand in regard to approval of sign height, time/temperature, etc.

Mr. Carnes made a motion for denial of the request for the message sign and leave the application as it was previously approved. Ms. Wilson commented that she leaning toward Staff's recommendation of this case, as she felt some of her concerns had been addressed.

**TMAPC ACTION: 7 members present**

On **MOTION** of **CARNES**, the TMAPC voted **5-2-0** (Carnes, Coutant, Doherty, Draughon, Kempe, "aye"; Wilson, Woodard, "nay"; no "abstentions"; Harris, Paddock, Parmele, Randle, "absent") to **DENY** the **Minor Amendment** to PUD 267-4 (**Tweet**) for a message sign.

**Additional Comments & Discussion:**

Mr. Tweet inquired if this would, again, prohibit the bank from going before the BOA. Mr. Linker clarified that this action did not prevent the applicant from going to the BOA, depending on what they intended to do. Mr. Linker added that going to the BOA would not override the TMAPC action, as this would require both approvals. Mr. Tweet stated he understood this, but added he was confused by the TMAPC's denial of this request, as the PUD wording appeared to indicate the bank could run traveling time and temperature.

There being no further business, the Chairman declared the meeting adjourned at 3:15 p.m.

Date Approved July 6, 1988  
Cherry Kempe  
Chairman

ATTEST:

Terri C. Cantor  
Secretary

